



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

William Charles Menges, Jr.

B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office: 104 N. Buckeye St., Room 216
Kokomo, IN 46901
(765) 456-2200

C. Date and place of birth.

February 9, 1951, Pittsburgh, Pennsylvania

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

III. A. State in what county you currently reside and since what date.

I have resided in Howard County, Indiana since June, 1972.

B. List all previous counties of residence, with dates.

Alleghany County, Pennsylvania, 1951 – 1952

Chester County, Pennsylvania, 1952 – 1954

Alleghany County, Pennsylvania, 1954 – 1963

Howard County, Indiana, 1963 – 1968

Alleghany County, Pennsylvania, 1968 – 1972

C. When were you admitted to the Indiana Bar? May 31, 1977

D. Are you currently on active status? Yes

E. What is your attorney number? 9143-34

IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Lafayette College	Sept. 1969 – June 1973	A.B.

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
University of Tulsa	August 1974 – December, 1976	JD ¹

C. Describe any academic honors, awards, and scholarships you received and when.

¹ I completed the graduation requirements one semester before the graduation of the rest of class. As a result, I do not know what my final class rank was. Based upon earlier semester-end class standings, I estimate I finished somewhere in the top 25 of the class.

Dean's List all semesters in Law School

American Jurisprudence Award for Highest Paper in Torts, 1974

American Jurisprudence Award for Highest Paper in Business Associations, 1976

American Jurisprudence Award for Highest Paper in Administrative Law, 1975

- V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

South Side Lumber Co.; Kokomo, Indiana; Yard Supervisor; June, 1973 to August, 1974.

Tulsa County Legal Aid Society; Tulsa, Oklahoma; Legal Intern, June, 1976 – August, 1976;

Boone, Ellison, and Smith; Tulsa, Oklahoma; Legal Intern, August, 1976 – December, 1976;

Hillis, Hillis, and Button; Kokomo, Indiana; Associate, 1977 – 1979;

Howard County, Indiana; Deputy Prosecutor, 1978 – 1980;

State of Indiana; Chief Deputy Prosecuting Attorney, 62nd Judicial Circuit, 1980 -- 1982;

Don P. Button, Attorney at Law; Associate, 1979 -- 1983;

Button and Menges, Attorneys at Law; Partner, 1983 – 1986;

Button, Hillis and Menges; Partner, 1986 – 1989;

Howard County, Indiana; County Attorney, 1987 -- 1988;

Menges Law Office; Sole Practitioner; 1990 – 2004;

Howard County, Indiana; Deputy Public Defender; 1991 – 1994;

Howard County, Indiana; Chief Public Defender; 1995 – 2004;

Diving Den, Inc., Independent Contract Scuba Instructor; 2000 -- present

State of Indiana; Judge, Howard Superior Court 1; 2005 – present.

- B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

I was actively involved in what is probably best described as a typical county seat general practice of law for twenty-eight (28) years prior to my taking the bench. During the period of time I was an associate, I was employed by Don P. Button. I have had as partners, Don P. Button and Elwood H. (Bud) Hillis. I have rented office space to Steven K. Raquet and Brant J. Parry.

- C. Describe the extent of your jury experience, if any.

I have not kept track of the number of jury trials I have tried. The best estimate is that I have tried between 150 and 200 jury trials, two of which were civil, and the balance criminal cases.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I am the sitting judge of a court of general jurisdiction. I have had the privilege of experiencing a very wide range of legal and factual questions, issues and problems. I have presided over jury trials in thirty-nine (39) criminal and three (3) civil cases. The criminal charges that have were tried to juries, ranged from Purchase of More Than Three (3) Grams of Precursor in a Week, a Class C misdemeanor, to Murder. I also preside over a Drug Court, and a Domestic Violence Court.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

Krieg v. Glassburn, 419 NE2d. 1015, (Ind.App. 1981); case nos. 2-180 A-9, 2-180 A-8, Brief of Appellant filed circa 1981.

Wagler Excavating Corp. v. McKibben Construction, Inc., 679 N.E.2d 155, (Ind.App. 1997); case no. 34A02-9606-CV-00359; Brief of Appellant filed December 23, 1996.

Raquet v. Thompson, 693 N.E.2d 969, (Ind.App. 1998); case no. 34A04-9704-CV-00134; Brief of Appellant filed July 9, 1997.

Pebley v. State, 686 N.E.2d 168, (Ind. App. 1997); case no. 34A02-9511-CR-00558; Brief of Appellant filed October 3, 1996.

Green v. Green, 52C01-0008-DR-354; written opinion filed November 19, 2007

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

Upon taking the bench, I reviewed, edited, and compiled the Howard County Local Rules, LR34-AR81-1 *et. seq.*

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

The Negligent Nurse: Rx for the Medical Malpractice Victim, 12 Tulsa L.J. 104 1976 -- 1977; this Note was an overview of the state of the law relating to Nurses' Malpractice.

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

See Attached.

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

During my tenure as President of the Howard County Bar Association, I totally reorganized the Howard County Legal Aid Society to better serve the low income citizens of Howard County. Additionally, I provided free legal services to each of the organizations listed in VII. C, below. During my practice, I routinely discounted fees for those who could not afford to pay my normal fees. I performed services for 501(c)(3) organizations without charge.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. In the case of *Krieg v. Glassburn*, I represented grandparents seeking to visit with their grandchildren. The case resulted in the establishment of basic common law grandparent rights.
2. I represented the State of Indiana in the Prosecution of Bertram Eubank. Mr. Eubank is an extremely violent and dangerous felon. The prosecution resulted in Mr. Eubank receiving an executed 120 year sentence, the longest sentence handed down in Howard County, at that time.
3. As a Deputy Public Defender, I was assigned to represent a young man, who was charged, along with two co-defendants, with breaking into the home of two elderly women, severely beating them, robbing them, and leaving them for dead. He told me he was not involved, and, I believed him. I was able to develop sufficient evidence to convince the Deputy Prosecutor to dismiss the case against him.
4. As Chief Public Defender, I accepted the representation of a sixteen year old, charged with being an accessory to a particularly heinous murder and attempted murder. I was able to convince the Prosecutor of my client's extremely minimal role in the crime, and was able to successfully negotiate, and convince the Court to accept, an appropriate plea agreement.
5. As Judge, I presided over the case of *Good v. Allied Insurance*. The Defense attorneys intentionally caused a mistrial in order to gain, or attempt to gain, a material advantage over their adversaries. I was able to craft a remedy that neutralized that attempt, and left the parties in the same relative position at the start of the re-trial as they had been at the start of the first trial.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

1. James R. Fleming, Howard County Prosecutor; 104 N. Buckeye, Rm. 208, Kokomo, IN 46901; (765) 456-2230
2. Steven K. Raquet, Chief Howard County Public Defender; 104 N. Buckeye, Rm. 102, Kokomo, IN 46901; (765) 456-2384
3. Mark C. Guenin, Esq.; Guenin Law Office P.C., 574 S. Miami St., Wabash, IN 46992; (260) 569-7900

VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

When I took the bench, the court was two and one-half (2 ½) months behind in posting the daily minutes. I instituted several hardware improvements, such as providing a telephone and printer for each employee, and eliminated typewriters; introduced software improvements, such as an electronic calendar; and changed the job descriptions of each employee to maximize their efficiency. We are now able to stay current on the daily work, without any additional personnel.

I persuaded the County Council, and the other Judges to create a unified court budget covering the “non-discretionary” items of the court budgets, such as jury costs, translators, etc. This allows the Council to better budget, and has eliminated the need for the judges to regularly appear to request additional appropriations.

By introducing other efficiencies to the Court operations, I cut the Court’s annual budget by 45% the first year I was in office. I have continued to reduce the budget, and it is now 74% less than the year before I took office.

I sought and received grants to benefit the operation of all the courts in Howard County.

I helped Howard County pioneer the Protective Order Registry, and the on line Jury Management system.

I implemented measures that have allowed us to reduce the average length of time for disposition of Class A felonies from 459 days in 2005, to 245 days in 2008.

I continued the lobbying efforts begun when I was the Chief Public Defender to establish an additional Superior Court in Howard County. I developed a totally new case allocation system when the new court was created.

I worked with Judge Murray to consolidate the Adult and Juvenile Probation Departments into a single administrative organization.

I implemented and preside over an Adult Drug Court.

I implemented and preside over a Domestic Violence Court.

I am implementing, and have received preliminary certification to operate an Adult Reentry Court.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I have been actively involved with my community since I was in high school. Prior to taking the bench, I was involved in numerous political campaigns, from the local to the national levels. I served on the Howard County Election Board. I served as a County Chairman from 1991 to 1996. During my tenure as County Chairman, I wrote a weekly newspaper column.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Kokomo Y's Mens club, Inc. (Treasurer 1979 - 1982; Vice-President 1984 - 1985; President 1985 - 1986).

Kokomo-Howard County Chamber of Commerce (Chairman Economic Education Committee 1979 - 1980; Legislative Affairs committee 1991 - 1996; Small Business Resource team 1988 - 2005).

United Way of Howard County (Allocations Section, Vice-Chairman 1980; Chairman 1981 and 1982).

First Congregational Church (By-Laws Committee 1984 - 1987; Diaconate 1989 - 1991).

Kokomo Kiwanis Club (Board of Directors 1983 - 1990; Secretary 1984 - 1985).

Executive Board Sagamore Council Boy Scouts of America (Exploring Chairman 1984 - 1987; Vice-President for Administration 1990 - present).

Howard County Task Force for Prevention of Physical Abuse, Sexual Abuse and Neglect of Our Children.

Mayor's Citizen's Committee on Disposal of the Old City Building.

St. Joseph Hospital Foundation (Board of Directors 1986 - 1994).

Architectural Heritage of Kokomo/Howard County, Inc. (President 1981 - 1982).

Family Service Association of Howard County, Inc. (Board of Directors 1986 - 1993; 1996 - 1998; Vice-President 1998 - 2000; President 2000 - 2002).

Community Assistance Foundation.

Family Intervention Center (Advisory Board 1985 - 1991). This is the local Domestic Violence Shelter.

Howard County Child Abuse Prevention Council (Advisory Board 1989 - 1993).

YWCA of Kokomo (Board of Trustees 1990 - 1995).

Howard County Community Corrections Advisory Board (member 1995 - present; Vice-President 1997; President 1998 - 2000)

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Phi Delta Phi Legal Fraternity (1976 – present);
Student Trial Lawyers (1974 – 1976);
Law Student Division of the American Bar Association (1974 – 1976);
American Bar Association (1977 – 1983)
Indiana Bar Association (1977 – 2005) (Howard County Delegate 1984 - 1986).
Howard County Bar Association (1977 – present) (Secretary-Treasurer 1978; Vice-President 1983; President 1984).
American Judicature Society (2005 – present)
Indiana Judges Association (2005 – present)

Professional Association of Scuba Instructors (PADI), a national organization to promote safe scuba instruction and diving (1998 – present). I am involved in their certification process and standards as a Master Scuba Diver Trainer.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

I am a member of the BPO Elks, Kiwanis, and the Kokomo Fathom Masters. No organization restricts its membership on the basis of race, sex, religion or national origin.

- F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

While I have contributed to continuing legal education programs, and have been a visiting lecturer at Indiana University Kokomo, I have never taught law.

- G. Describe your hobbies and other leisure activities.

I enjoy scuba diving, boating, reading, and being a grandfather.

- VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

1. Fred G. Osborn, Esq.; 216 E. Walnut, Kokomo, IN 46901; (765) 457-7264.
2. Don P. Button; Button, McGarvey, Trauring, Wilson & Oaks, 515 W. Sycamore, Kokomo, IN 46901; (765) 457-9321.
3. George A. Hopkins; Judge, Howard Superior Court 4, 104 N. Buckeye, Rm. 300, Kokomo, IN 46901; (765) 456-2900.

- B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

1. Reba Harris; 1163 N. County Road 300 E, Kokomo, IN 46901; (765) 457-9489.
2. Robert Hingst; 1720 W. Taylor St., Kokomo, IN 46901; (765) 459-8717.
3. Ronald Metz; 724 Nutmeg Ln., Kokomo, IN 46901; (765) 868-7232

- C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

Dissolution of Marriage, Howard Superior Court II, cause no. 5294 (1980), Dorothy M. Menges.

I have been the plaintiff in numerous small claims collection cases both in connection with my practice, and involving rental real estate.

I have been named defendant in several cases arising from my duties as either a deputy Public Defender, or as Chief Public Defender. All of these cases were summarily disposed of in my favor.

- D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None.

- E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

None.

- F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

None.

- G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None.

- IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes.

June 28, 2020
DATE


APPLICANT'S SIGNATURE

WILLIAM C. MENGES, JR.
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

JUNE 28, 2010
DATE


APPLICANT'S SIGNATURE

WILLIAM C. MENGES, JR.
PRINTED NAME